

EXHIBIT 1

From: Linda Brewer <lindabrewer@quinnmanuel.com>
Sent: Tuesday, September 26, 2017 9:49 AM
To: dbrownstein@fbj-law.com; Kathleen Hartnett; Chang, Esther Kim; Gonzalez, Arturo J.; David Perlson; UberWaymoMoFoAttorneys; BSF_EXTERNAL_UberWaymoLit; DG-GP Otto Trucking Waymo; Susman Godfrey; Jonathan Patchen; Cheryl Cauley; Amy Craig (amy@ramsey-ehrlich.com); Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com); Miles Ehrlich (miles@ramsey-ehrlich.com); Anne Fokstuen; Jason Bartlett QE-Waymo; 'John Cooper'; 'MCate@fbm.com'; James Judah
Cc:
Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today
Attachments: Waymo v. Uber et al. Proposed Forensic Protocol.pdf

Counsel –

In furtherance of James Judah's email below in the email chain, we have had an opportunity to discuss a proposed forensic review protocol with Latham and Stroz, and our proposed forensic protocol is attached. We believe this proposal is acceptable in the industry for providing access to forensic artifact information and eliminates privacy and privilege concerns by avoiding content review.

Please let us know if you agree to this proposed protocol for forensic review of the native devices.

Regards,
Linda

Linda Brewer
Partner,
Quinn Emanuel Urquhart & Sullivan, LLP

50 California Street, 22nd Floor
San Francisco, CA 94111
415-875-6403 Direct
415.875.6600 Main Office Number
415.875.6700 FAX
lindabrewer@quinnmanuel.com
www.quinnmanuel.com

NOTICE: The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

From: James Judah
Sent: Friday, September 22, 2017 8:39 PM
To: dbrownstein@fbj-law.com; Kathleen Hartnett ; Chang, Esther Kim ; Gonzalez, Arturo J. ; David Perlson ; UberWaymoMoFoAttorneys ; BSF_EXTERNAL_UberWaymoLit ; DG-GP Otto Trucking Waymo ; Susman Godfrey ; jpatchen@taylorpatchen.com; Cheryl Cauley (ccauley@taylorpatchen.com) ; Amy Craig (amy@ramsey-ehrlich.com) ;

Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com) ; Miles Ehrlich (miles@ramsey-ehrlich.com) ; Anne Fokstuen ; Jason Bartlett

Cc: QE-Waymo ; 'John Cooper' ; 'MCate@fbm.com'

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Counsel –

Following up on the meet and confer regarding the native images of the Diligenced Employees' devices:

We are discussing issues related to digital forensic review with our forensic consultants, and will follow up separately regarding that proposed protocol.

Here is Waymo's proposed protocol for content review, which Waymo believes is more than reasonable accommodation to any privilege or privacy concerns. Waymo provides counsel for the Diligenced Employees reasonable notice of content inspections of native versions of their client's devices, taking into account good faith black-out dates provided in advance. Counsel for the Diligenced Employees are invited to attend the inspections and monitor what content is being accessed on the natives. If content is accessed that they believe implicates privilege or privacy concerns, then they will direct the reviewer away from that content, and the reviewer will not access that content any further pending the resolution of disputes (if any) with the Special Master.

Please let us know if you agree to this proposed protocol for content review, or whether Waymo should include your client in its motion to compel.

James

From: James Judah

Sent: Friday, September 22, 2017 4:29 PM

To: dbrownstein@fbj-law.com; Kathleen Hartnett (khartnett@BSFLP.com); Chang, Esther Kim (echang@mofo.com); Gonzalez, Arturo J. (AGonzalez@mofo.com); David Perlson (davidperlson@quinnmanuel.com); UberWaymoMoFoAttorneys (UberWaymoMoFoAttorneys@mofo.com); BSF_EXTERNAL_UberWaymoLit (BSF_EXTERNAL_UberWaymoLit@BSFLP.com); DG-GP Otto Trucking Waymo (DG-GPOttoTruckingWaymo@goodwinlaw.com); Susman Godfrey (IMCEAEX-O=FIRMMMAIL_OU=First+20Administrative+20Group_cn=Recipients_cn=SusmanGodfrey@BSFLP.com); ipatchen@taylorpatchen.com; Cheryl Cauley (ccaulley@taylorpatchen.com) (ccaulley@taylorpatchen.com); Amy Craig (amy@ramsey-ehrlich.com) (amy@ramsey-ehrlich.com); Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com) (izzy@ramsey-ehrlich.com); Miles Ehrlich (miles@ramsey-ehrlich.com) (miles@ramsey-ehrlich.com); Anne Fokstuen (af@annefokstuen.com); Jason Bartlett (jbartlett@mkwllp.com)

Cc: QE-Waymo (gewaymo@quinnmanuel.com); 'John Cooper' (JCooper@fbm.com); 'MCate@fbm.com' (MCate@fbm.com)

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

To be clear, these images are ready for inspection, so we need an answer on this as soon as possible.

From: James Judah

Sent: Friday, September 22, 2017 4:28 PM

To: dbrownstein@fbj-law.com; Kathleen Hartnett (khartnett@BSFLP.com); Chang, Esther Kim (echang@mofo.com); Gonzalez, Arturo J. (AGonzalez@mofo.com); David Perlson (davidperlson@quinnmanuel.com); UberWaymoMoFoAttorneys (UberWaymoMoFoAttorneys@mofo.com); BSF_EXTERNAL_UberWaymoLit (BSF_EXTERNAL_UberWaymoLit@BSFLP.com); DG-GP Otto Trucking Waymo (DG-GPOttoTruckingWaymo@goodwinlaw.com); Susman Godfrey (IMCEAEX-O=FIRMMMAIL_OU=First+20Administrative+20Group_cn=Recipients_cn=SusmanGodfrey@BSFLP.com); ipatchen@taylorpatchen.com; Cheryl Cauley (ccaulley@taylorpatchen.com) (ccaulley@taylorpatchen.com); Amy Craig

(amy@ramsey-ehrlich.com)<amy@ramsey-ehrlich.com>; Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com)<izzy@ramsey-ehrlich.com>; Miles Ehrlich (miles@ramsey-ehrlich.com)<miles@ramsey-ehrlich.com>; Anne Fokstuen <af@annefokstuen.com>; Jason Bartlett <bartlett@mklpp.com>
Cc: QE-Waymo <gewaymo@quinnemanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com' <MCate@fbm.com>
Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Call in number is 888 759 6039 access 415 954 4410.

From: dbrownstein@fbj-law.com [mailto:dbrownstein@fbj-law.com]
Sent: Friday, September 22, 2017 4:28 PM
To: James Judah <jamesjudah@quinnemanuel.com>; Kathleen Hartnett <khartnett@BSFLP.com>; Chang, Esther Kim <echang@mofo.com>; Gonzalez, Arturo J. <AGonzalez@mofo.com>; David Perlson <davidperlson@quinnemanuel.com>; UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mofo.com>; BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLP.com>; DG-GP Otto Trucking Waymo <DGOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey <IMCEAEX-O=FIRMMAIL_OU=First+20Administrative+20Group_cn=Recipients_cn=SusmanGodfrey@BSFLP.com>; ipatchen@taylorpatchen.com; Cheryl Cauley (ccaulley@taylorpatchen.com) <ccaulley@taylorpatchen.com>; Amy Craig (amy@ramsey-ehrlich.com) <amy@ramsey-ehrlich.com>; Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com) <izzy@ramsey-ehrlich.com>; Miles Ehrlich (miles@ramsey-ehrlich.com) <miles@ramsey-ehrlich.com>; Anne Fokstuen <af@annefokstuen.com>; Jason Bartlett <bartlett@mklpp.com>
Cc: QE-Waymo <gewaymo@quinnemanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com' <MCate@fbm.com>
Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Yes, what is the dial-in?

David Brownstein



235 Montgomery Street, Suite 835
San Francisco, CA 94104-2733
Office: 415.962.2873 (direct line)
Mobile: 415.385.2362
email: dbrownstein@fbj-law.com
website: www.fbj-law.com

From: James Judah [mailto:jamesjudah@quinnemanuel.com]
Sent: Friday, September 22, 2017 4:26 PM
To: dbrownstein@fbj-law.com; Kathleen Hartnett <khartnett@BSFLP.com>; Chang, Esther Kim <echang@mofo.com>; Gonzalez, Arturo J. <AGonzalez@mofo.com>; David Perlson <davidperlson@quinnemanuel.com>; UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mofo.com>; BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLP.com>; DG-GP Otto Trucking Waymo <DGOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey <IMCEAEX-O=FIRMMAIL_OU=First+20Administrative+20Group_cn=Recipients_cn=SusmanGodfrey@BSFLP.com>; ipatchen@taylorpatchen.com; Cheryl Cauley (ccaulley@taylorpatchen.com) <ccaulley@taylorpatchen.com>; Amy Craig (amy@ramsey-ehrlich.com) <amy@ramsey-ehrlich.com>; Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com) <izzy@ramsey-ehrlich.com>; Miles Ehrlich (miles@ramsey-ehrlich.com) <miles@ramsey-ehrlich.com>; Anne Fokstuen

<aaf@annefokstuen.com>; Jason Bartlett <jbartlett@mkwllp.com>

Cc: QE-Waymo <gewaymo@quinnemanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com'

<MCate@fbm.com>

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

David –

We are discussing this issue now on the call with the Special Master. Can you please dial in?

James

From: dbrownstein@fbj-law.com [mailto:dbrownstein@fbj-law.com]

Sent: Friday, September 22, 2017 4:06 PM

To: Kathleen Hartnett <khartnett@BSFLLP.com>; James Judah <jamesjudah@quinnemanuel.com>; Chang, Esther Kim

<echang@mofo.com>; Gonzalez, Arturo J. <AGonzalez@mofo.com>; David Perlson

<davidperlson@quinnemanuel.com>; UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mofo.com>;

BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLLP.com>; DG-GP Otto Trucking Waymo <DG-GPOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey <IMCEAEX-O=FIRMMMAIL_OU=First+20Administrative+20Group_cn=Recipients_cn=SusmanGodfrey@BSFLLP.com>;

ipatchen@taylorpatchen.com; Cheryl Cauley (ccaulley@taylorpatchen.com) <ccaulley@taylorpatchen.com>; Amy Craig

(amy@ramsey-ehrlich.com) <amy@ramsey-ehrlich.com>; Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com)

<izzy@ramsey-ehrlich.com>; Miles Ehrlich (miles@ramsey-ehrlich.com) <miles@ramsey-ehrlich.com>; Anne Fokstuen

<aaf@annefokstuen.com>; Jason Bartlett <jbartlett@mkwllp.com>

Cc: QE-Waymo <gewaymo@quinnemanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com'

<MCate@fbm.com>

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

James:

Does your proposal include any way to respect the privacy exclusions that Magistrate Corley has permitted the diligenced employees to make? We'd like to know how you propose to handle that before we can respond to your message below about the native images of Colin Sebern's devices.

Best,

David

David Brownstein



Attorneys at Law

235 Montgomery Street, Suite 835

San Francisco, CA 94104-2733

Office: 415.962.2873 (direct line)

Mobile: 415.385.2362

email: dbrownstein@fbj-law.com

website: www.fbj-law.com

From: Kathleen Hartnett [<mailto:khartnett@BSFLLP.com>]

Sent: Friday, September 22, 2017 3:31 PM

To: James Judah <jamesjudah@quinnmanuel.com>; Chang, Esther Kim <echang@mofo.com>; Gonzalez, Arturo J. <AGonzalez@mofo.com>; David Perlson <davidperlson@quinnmanuel.com>; UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mofo.com>; BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLLP.com>; DG-GP Otto Trucking Waymo <DG-GPOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey <IMCEAEX-O=FIRMMMAIL_OU=First+20Administrative+20Group_cn=Recipients_cn=SusmanGodfrey@BSFLLP.com>; ipatchen@taylorpatchen.com; Cheryl Cauley (ccauley@taylorpatchen.com) <ccauley@taylorpatchen.com>; Amy Craig (amy@ramsey-ehrlich.com) <amy@ramsey-ehrlich.com>; Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com) <izzy@ramsey-ehrlich.com>; Miles Ehrlich (miles@ramsey-ehrlich.com) <miles@ramsey-ehrlich.com>; Anne Fokstuen <aaf@annefokstuen.com>; dbrownstein@fbj-law.com; Jason Bartlett <jbartlett@mkwllp.com>

Cc: QE-Waymo <gewaymo@quinnmanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com' <MCate@fbm.com>

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Adding counsel for Soren Juelsgaard, Colin Sebern and Don Burnette.

From: James Judah [<mailto:jamesjudah@quinnmanuel.com>]

Sent: Friday, September 22, 2017 3:26 PM

To: Chang, Esther Kim; Gonzalez, Arturo J.; David Perlson; UberWaymoMoFoAttorneys; BSF_EXTERNAL_UberWaymoLit; DG-GP Otto Trucking Waymo; Susman Godfrey (uber-sg@lists.susmangodfrey.com); ipatchen@taylorpatchen.com; Cheryl Cauley (ccauley@taylorpatchen.com); Amy Craig (amy@ramsey-ehrlich.com); Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com); Miles Ehrlich (miles@ramsey-ehrlich.com)

Cc: QE-Waymo; 'John Cooper'; 'MCate@fbm.com'

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Counsel and John –

We'd also like to discuss the native images at Stroz – both those of the previously imaged devices and those of the never-before-imaged devices – that we understand are ready to be inspected. To the extent any party or Diligenced Employee objects to Waymo's immediate inspection of the forensic images of those devices, we request a briefing schedule so that Judge Corley can decide on Wednesday.

Best,
James

From: James Judah

Sent: Friday, September 22, 2017 3:12 PM

To: Chang, Esther Kim <echang@mofo.com>; Gonzalez, Arturo J. <AGonzalez@mofo.com>; David Perlson <davidperlson@quinnmanuel.com>; UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mofo.com>; BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLLP.com>; DG-GP Otto Trucking Waymo <DG-GPOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey (uber-sg@lists.susmangodfrey.com) <uber-sg@LISTS.SUSMANGODFREY.COM>; ipatchen@taylorpatchen.com; Cheryl Cauley (ccauley@taylorpatchen.com) <ccauley@taylorpatchen.com>; Amy Craig (amy@ramsey-ehrlich.com) <amy@ramsey-ehrlich.com>; Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com) <izzy@ramsey-ehrlich.com>; Miles Ehrlich (miles@ramsey-ehrlich.com) <miles@ramsey-ehrlich.com>

Cc: QE-Waymo <gewaymo@quinnmanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com' <MCate@fbm.com>

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Counsel and John –

Here's an update on outstanding discovery. We would like to discuss on the 4 PM meet and confer.

Additional Interrogatories

Waymo still has three interrogatories reserved. Given the volume and relevance of the newly produced documents, Waymo requests an additional five interrogatories for a total of eight. Also, given the urgency of completing discovery to prepare for an October 10 trial date, Waymo requests expedited response times of seven days instead of thirty. Please confirm that Defendants agree to the additional interrogatories and the expedited responses.

Additional Rule 30(b)(6) designees

Uber and Ottomotto:

Topic No. 3 ("UBER'S or OTTOMOTTO'S efforts to prevent LEVANDOWSKI from using or referring to any MISAPPROPRIATED MATERIALS, including but not limited to efforts to prevent LEVANDOWSKI from using personal devices to access UBER or OTTOMOTTO servers and networks.")

Topic No. 7 ("The Stroz due diligence investigation, including its origins and any affect the results of the investigation may have had on UBER'S acquisition of OTTOMOTTO.")

Additional Depositions

We requests the following additional depositions. Before we propose dates, please confirm that these (party) witnesses will be made available before October 3.

Christian Lynn
Salle Yoo
Alisa Baker
Andrew Glickman
Eric Amdursky

Agreed-Upon Depositions

We agree to the dates and time of the witnesses provided in Esther's September 21 email, with two exceptions.

Adam Bentley was designated by all three defendants on a total of more than ten Rule 30(b)(6) topics, and his personal deposition was barely two hours long. Waymo needs at least 4 hours on the record for this continued individual deposition.

Travis Kalanick is a central witness, whose text messages and January 3 whiteboard meeting (among other highly relevant documents) were withheld until after his deposition. Waymo needs at least 4 hours on the record for this continued deposition.

Depositions That Uber is Refusing to Provide

As requested, here are explanations for the depositions Max Levandowski, Dan Ratner, Dan Gruver, Asheem Linaval, and Salle Yoo. We note that the below is by no means exhaustive, and Waymo's review of literally hundreds of thousands of newly produced documents is ongoing, but what we provide below demonstrates highly relevant issues that these witnesses possess knowledge about that Waymo – through no fault of its own – was denied during the discovery period.



This image is a high-contrast, black-and-white scan of a document page. The majority of the page is black. On the left side, there is a large, irregular white shape that appears to be a scan of a piece of paper or a hole-punched section of a document. The right edge of the image shows the binding of the original document.

James

From: Chang, Esther Kim [<mailto:echang@mfo.com>]

Sent: Thursday, September 21, 2017 7:50 PM

To: Gonzalez, Arturo J. <AGonzalez@mfo.com>; James Judah <jamesjudah@quinnemanuel.com>; David Perlson <davidperlson@quinnemanuel.com>; UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mfo.com>; BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLLP.com>; DG-GP Otto Trucking Waymo <DGGPOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey (uber-sg@lists.susmangodfrey.com) <Uber-sg@LISTS.SUSMANGODFREY.COM>; jpatchen@taylorpatchen.com; Cheryl Cauley (ccauley@taylorpatchen.com) <ccauley@taylorpatchen.com>; Amy Craig (amy@ramsey-ehrlich.com) <amy@ramsey-ehrlich.com>; Isamil ("Izzy") Ramsey (izzy@ramsey-ehrlich.com) <izzy@ramsey-ehrlich.com>; Miles Ehrlich (miles@ramsey-ehrlich.com) <miles@ramsey-ehrlich.com>

Cc: QE-Waymo <gewaymo@quinnemanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com' <MCate@fbm.com>

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

James,

Further to Arturo's email, we confirm the below requested dates. For witnesses for which Waymo kept the previous deposition open and reserved time, we note the time remaining on the record. Please note that we ask that Don Burnette's deposition on Monday 10/2 begin at 1 pm.

Witness	Deposition Date	Time Remaining
Rudy Kim	Tuesday, September 26, 2017	
Adam Bentley (Reserved time)	Wednesday, September 27, 2017	0:13
Justin Suhr	Wednesday, September 27, 2017	
Eric Friedberg	Thursday, September 28, 2017	
Eric Tate	Friday, September 29, 2017	
Angela Padilla	Monday, October 02, 2017	
Don Burnette (Reserved time)	Monday, October 02, 2017, at 1 pm	3:53
Lior Ron	Monday, October 02, 2017	
Travis Kalanick (Reserved time)	Monday, October 02, 2017	0:42

The individuals below were unavailable on the dates requested by Waymo. We offer the below dates. Please let us know tonight if Waymo will accept these dates. We similarly note the time remaining on the record for these individuals.

Witness	Deposition Date	Time Remaining
Soren Juelsgaard (Reserved time)	Friday, September 29, 2017	3:46
Cameron Poetzscher (Reserved time)	Friday, September 29, 2017	5:21
Colin Sebern (Reserved time)	Monday, October 02, 2017	4:28
Nina Qi (Reserved time)	Saturday, September 30, 2017	4:06

In addition, there was a typo in Arturo's email below, which I have corrected (see highlighted portion).

Esther
Tel: (415) 268-7562

From: Gonzalez, Arturo J.
Sent: Thursday, September 21, 2017 6:31 PM
To: James Judah; David Perlson; UberWaymoMoFoAttorneys; BSF_EXTERNAL_UberWaymoLit; DG-GP Otto Trucking Waymo; Susman Godfrey (uber-sg@lists.susmangodfrey.com); jpatchen@taylorpatchen.com
Cc: QE-Waymo; 'John Cooper'; 'MCate@fbm.com'
Subject: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

James,

We will agree to produce Justin Suhr on Wednesday as requested.

Rhian's grandmother passed away and she will be out of the country from Saturday through October 3.

We will not agree to produce the other four. Gruver and Linaval were each deposed twice, Max has been deposed, and although Ratner was not deposed, he has come up repeatedly in deposition. I am told he was first referenced in deposition in April as someone who worked on LiDAR. We do not believe there is good cause to depose any of these individuals.

Arturo J. González

Partner | Morrison & Foerster LLP
425 Market St. | San Francisco, CA 94105
P: +1 (415) 268-7020
mfo.com | [LinkedIn](#) | [Twitter](#)

From: James Judah [<mailto:jamesjudah@quinnmanuel.com>]
Sent: Thursday, September 21, 2017 4:51 PM
To: Gonzalez, Arturo J.; David Perlson; UberWaymoMoFoAttorneys; BSF_EXTERNAL_UberWaymoLit; DG-GP Otto Trucking Waymo; Susman Godfrey (uber-sg@lists.susmangodfrey.com); jpatchen@taylorpatchen.com
Cc: QE-Waymo; 'John Cooper'; 'MCate@fbm.com'
Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Arturo, see below:

Ratner, Gruver, Linaval, and M. Levandowski—They are listed as “inventors” of Ottomotto mid-range and long-range laser designs based on documents shared with MoFo/Stroz in March 2016, but previously withheld from us. See, for example, the attached.

Morgan—Our Motion to Continue shows the need for her additional deposition

Suhr—He was obviously quite involved in the due diligence process, as Uber itself contends, and as reflected in his May 8 declaration (Dkt. 378) and dozens of documents produced in response to the Federal Circuit’s ruling. And he is on Uber’s witness list but you never gave us any dates for his deposition.

While not the only bases for needing these depositions, above is certainly sufficient enough to justify them. Please confirm today you will provide these witnesses on the dates listed below.

James

From: Gonzalez, Arturo J. [<mailto:AGonzalez@mofo.com>]
Sent: Thursday, September 21, 2017 2:24 PM
To: David Perlson <davidperlson@quinnmanuel.com>; UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mofo.com>; BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLLP.com>; DG-GP Otto Trucking Waymo <DG-GPOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey (uber-sg@lists.susmangodfrey.com) <Uber-sg@LISTS.SUSMANGODFREY.COM>; jpatchen@taylorpatchen.com
Cc: QE-Waymo <gewaymo@quinnmanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com' <MCate@fbm.com>
Subject: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

David,

We write to confer regarding your list below. We understand that we will have to produce certain witnesses for deposition and that you had previously reserved time for some of these witnesses. However, there should be an offer of proof with respect to the new names that you added to your list. Specifically, please provide us with your basis for wanted to depose Ratner, Morgan, Suhr, Gruver, Linaval, and M. Levandowski. We will check on availability of the other Uber names on your list that we have not already confirmed.

Arturo J. González

Partner | Morrison & Foerster LLP
425 Market St. | San Francisco, CA 94105
P: +1 (415) 268-7020
mofo.com | [LinkedIn](#) | [Twitter](#)

From: David Perlson [<mailto:davidperlson@quinnmanuel.com>]

Sent: Thursday, September 21, 2017 1:15 PM

To: UberWaymoMoFoAttorneys; BSF_EXTERNAL_UberWaymoLit; DG-GP Otto Trucking Waymo; Susman Godfrey (uber-sg@lists.susmangodfrey.com); jpatchen@taylorpatchen.com

Cc: QE-Waymo; 'John Cooper'; 'MCate@fbm.com'

Subject: RE: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

- External Email -

Jonathan, see below regarding Mr. Ron's deposition. We ask for confirmation of Mr. Ron's deposition in the same timeframe and with the same reservations as below.

David

From: David Perlson
Sent: Thursday, September 21, 2017 12:44 PM
To: UberWaymoMoFoAttorneys <UberWaymoMoFoAttorneys@mofo.com>; BSF_EXTERNAL_UberWaymoLit <BSF_EXTERNAL_UberWaymoLit@BSFLLP.com>; DG-GP Otto Trucking Waymo <DG-GPOttoTruckingWaymo@goodwinlaw.com>; Susman Godfrey (uber-sg@lists.susmangodfrey.com) <Uber-sg@LISTS.SUSMANGODFREY.COM>
Cc: QE-Waymo <gewaymo@quinnmanuel.com>; 'John Cooper' <JCooper@fbm.com>; 'MCate@fbm.com' <MCate@fbm.com>
Subject: Waymo v Uber - Request for Depositions and Confirmation of Dates Today

Counsel, given the Court's directive at the Court's hearing please confirm the following witnesses will be made available on the following dates by close of business today. It is essential that we get prompt confirmation of these depositions, on the listed dates, given the schedule. Obviously, these depositions will be taken without the full production and/or review of a massive number of documents and materials. We reserve our right to seek (and will likely seek) further depositions of these deponents if new documents relevant documents or information comes to our attention and/or after we have had sufficient time to actually review and digest all these materials, which we will not be able to do in the next two weeks. That said, we have set the dates these depositions in a manner to best utilize the massive amount of newly produced materials that continue to be reviewed so we ask these witnesses be provided on these dates. We will be contacting the third parties listed below in parallel as needed. Please note that as we continue to review the materials we will likely be requesting further depositions beyond below.

Juelsgaard	9/26
Ratner	9/26
Kim	9/26
Morgan	9/27
Suhr	9/27
Bentley	9/27
Sebern	9/28
Gruver	9/28
Friedberg 1	9/28
Tate	9/29
Qi	9/29
Gurley	9/29
Linalval	9/29
Lewandowski	9/30
Gardner	9/29
Poetzcher	10/2
Burnette	10/2
Lewandowski	10/2
Ron	10/2
Padilla	10/2
TK	10/2
Friedberg 2	10/2

David Perlson

Quinn Emanuel Urquhart & Sullivan, LLP

50 California Street, 22nd Floor

San Francisco, CA 94111

Direct: (415) 875-6344

Main Phone: (415) 875-6600

Main Fax: (415) 875-6700

E-mail: davidperlson@quinnmanuel.com

Web: www.quinnmanuel.com

The information contained in this e-mail message is intended only for the personal and confidential use of the recipient(s) named above. This message may be an attorney-client communication and/or work product and as such is privileged and confidential. If the reader of this message is not the intended recipient or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

=====

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

=====

This message may be confidential and privileged. Use or disclosure by anyone other than an intended addressee is prohibited. If you received this message in error, please delete it and advise the sender by reply email.

The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1]